

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Child and Family Services Agency  
Office of the General Counsel



MLA 07-01 (CPR, Privacy)  
January 24, 2007

## Memorandum of Legal Advice

### Issue

The Child and Family Services Agency (CFSA) Office of the General Counsel was asked the following question by the CFSA Child Fatality Review Committee: What is the legal responsibility of the Agency to report a client having a child abuse history with CFSA, when the client works with children?:

### Conclusion

For the reasons below, we have concluded that CFSA has no legal responsibility to report a history of child abuse to an employer, even if the employee works with children, until the employer makes a proper request for such information. As a matter of law, CFSA is prohibited from reporting a child abuse history (Child Protection Register information) to an employer without the written, signed and notarized consent to release information to the employer or potential employer from the person whose name is in the CPR.

### Analysis

CFSA has no obligation to report a history of child abuse to an employer, even if the employee works with children, until the employer makes a proper request for such information. As a matter of law, CFSA is prohibited from reporting substantiated findings of neglect to an employer without the written, signed and notarized consent to release information to the employer or potential employer from the person whose name is in the CPR.

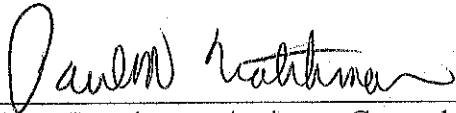
Further, it should be noted that CFSA is only permitted to release information (after receiving permission to do so from the person in the CPR) to certain types of employers. DC Code §4-1302.03 addresses the issue of releasing information in the CPR. Certain information in the CPR may be released to the

“chief executive officers or directors of day care centers, schools, or any public or private organizations **working directly with children**, for the

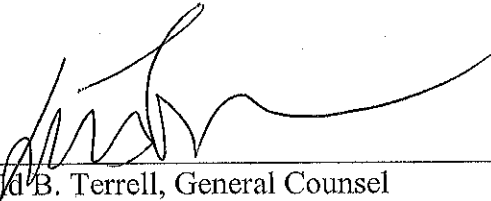
purpose of making employment decisions regarding employees and volunteers or prospective employees and volunteers." Emphasis added.

The Agency has many duties and functions, but none require CFSA to report an employee to their employer because the employee is in the CPR. The obligation is for the employer to request, with the consent of the employee, information on whether the employee is in the CPR.

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